

Shorall McGoldrick Brinkmann
702 north beaver street
flagstaff, arizona 86001
928.779.1050
928.779.6252 (fax)

Howard L. Brown, #019689
Attorney for Petitioner

Before the Federal Communications Commission
Washington, DC 20554

In the Matter of)

Request for Waiver
of Filing Deadlines)

File Number _____

by)

Gila Crossing Community School
Entity Number: 97902)

CC Docket Number 02-6

regarding)

Applications:)

1052238 (GRTI-Landlines)
1052236 (Internet)
1052237 (Vrzn-Cell)

Petitioner Information/Contact Information

Gila Crossing Community School
Billed Entity Number 97902
Address: RR 2, Box 809, Laveen, Arizona 85339
Phone: (520) 550-4834
Fax: (520) 550-4252
Contact Person: Victoria Jones
Email: victoria.jones@gccseagles.org

1 **FY 2015 Applications At Issue**

2 1052236 (Internet)

3 Form 471 Certification Date/Time: 5/23/2015, 21:21:14

4 Form 471 Certification ID: 1622313

5 1052237 (Vrzn-Cell)

6 Form 471 Certification Date/Time: 5/23/2015, 22:44:15

7 Form 471 Certification ID: 1622314

8 1052238 (GRTI-Landlines)

9 Form 471 Certification Date/Time: 5/23/2015, 23:24:35

10 Form 471 Certification ID: 1622315

11 **Request for Waiver**

12 Petitioner, Gila Crossing Community School (Entity Number 97902) ("the School"), filed
13 Forms 470 and the above-referenced Forms 471 for Funding Year 2015 (collectively "Forms").
14 Unfortunately, the Forms were untimely filed. Petitioner respectfully requests that the Federal
15 Communications Commission ("FCC") waive the applicable filing deadlines pursuant to 47 CFR
16 § 1.3 and other applicable authority. This request is supported by the following memorandum of
17 points and authorities.

18 **Memorandum of Points and Authorities**

19 1. Gila Crossing Community School is a non-profit Tribally Controlled Grant School
20 that is funded and operated under the authority of Public Law 100-297. The School is governed
21 by a locally-elected governing board. The School is located on the Gila River Indian
22 Community, a federally-recognized Indian Nation in Arizona.

23 2. The School offers a pre-school through eighth grade program. Approximately
24 520 students attend the School. The vast majority of the School's students are members of the
25 Gila River Indian Community and approximately 85% to 93% of the students are eligible for
26 Free and Reduced Meals.

1 3. The School has received E-Rate discounts in the past. The School appreciates
2 participating in the E-Rate program. The School and its students have benefited from the
3 discounts in obtaining affordable telecommunications and internet services.

4 4. The School desires to participate in the E-Rate program during the current
5 funding year and, as such, submitted the Forms. Unfortunately, the submissions were untimely.

6 5. The untimely submissions were due to a number of factors and circumstances
7 that constitute good cause for the waiver of the applicable filing deadlines. These factors and
8 circumstances include the following:

9 A. The School's Information Technology Director, who had primary
10 responsibility for submitting the Forms, was on extended medical leave during the Fall, 2014.
11 Then, in January, 2015, he resigned from employment with the School. Unfortunately, he failed
12 to submit the Forms before starting his leave.

13 B. Additionally, the School has experienced high personnel turnover over the
14 past year. In fact, the School's Executive Director/Superintendent, Principal, and Curriculum
15 Director separated from employment prior to November, 2014. Also, as of November, 2014, the
16 School was without a Reading Coach, a Math Coach, several Teachers, a Transportation
17 Director, and Facilities Manager. In sum, there were approximately eight to ten vacancies out of
18 forty employment positions at the School. In effect, the School experienced a reorganization of
19 its personnel organization.
20

21 6. In the absence of the School's Information Technology Director, and without
22 proper administrative leadership, no single employee took responsibility for filing the Forms in a
23 timely manner.

24 7. Fortunately, the School has addressed these problems by retaining a very
25 experienced and well-regarded Interim Executive Director (James Byrnes) and an outside
26 consultant (Jagdish Sharma) to assist with a number of leadership and administrative functions,
including ensuring submission of the Forms.

1 8. Without E-Rate discounts, the School and its students will suffer hardships in a
2 number of tangible and intangible ways. The School relies on internet connectivity. For
3 example, the School uses AzMerit, an on-line assessment program; SuccessMaker, an on-line
4 academic content provider; and NWEA, an on-line academic assessment program mandated by
5 the Bureau of Indian Education. With the internet connectivity that is made possible through E-
6 Rate discounts, the School fears that its access to many of these important services will be
7 jeopardized.

8 9. The School believes strongly that technology and connectivity are integral parts
9 of today's educational system. This is particularly true in otherwise under-served Indian Nation
10 communities that are plagued by poverty, unemployment, and a variety of societal problems.

11 10. The FCC has the authority to waive filing deadlines. 47 C.F.R. § 1.3; Northeast
12 Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("a waiver is appropriate
13 only if special circumstances warrant a deviation from the general rule and such deviation will
14 serve the public interest.") (citation omitted); In the Matter of Requests for Waiver of Decisions
15 of the Universal Service Administrator by Academy for Academic Excellence, et al., File Nos.
16 SLD-539076 et al., CC Docket No. 02-6, Order (2007) (granting waivers based on employees'
17 or employees' relatives' illness and/or circumstances outside the applicants' control including
18 school reorganizations and noting that "rigid adherence to filing procedures does not further the
19 purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest");
20 Request for Review of the Decision of the Universal Service Administrator by Bishop Perry
21 Middle School, New Orleans, LA, et al., File Nos. SLD-487170, et al., CC Docket No. 02-6,
22 Order (2006).

23 11. Circumstances in the present matter justify a waiver of the applicable deadlines
24 for filing of the Forms. Namely, the employee with primary responsibility for filing the Forms was
25 on extended medical leave in the fall, 2014, and then resigned in January, 2015. Additionally, a
26 number of high-level administrative and academic positions were vacant at the same time. The

1 School has now remedied these problems by retaining the services of individuals who are
2 performing administrative functions and have assisted in filing of the Forms.

3 12. The public interest and the policies underlying the E-Rate program will be served
4 by granting an extension in this matter. Namely, the School – which is located in an
5 underserved Indian community – will be able to access the programs and services which enable
6 it and its students to be connected to important, essential, and mandated technologies and
7 internet programs and services.

8 13. In conclusion, and for the reasons stated above, the School respectfully requests
9 that the FCC waive the applicable filing deadlines and accept the Schools Forms 470 and 471
10 for review.
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12 Dated this 28th day of May, 2015.

13 SHORALL McGOLDRICK BRINKMANN

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16 Howard L. Brown
17 Attorneys for Petitioner
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